

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Windell Long,)	C.A. No. 4:09-70075-TLW
)	Crim. No. 4:02-1281
Petitioner,)	
)	
-versus-)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
_____)	

This matter is before the Court on remand from the Fourth Circuit Court of Appeals for the limited purpose of permitting this Court to supplement the record with an Order granting or denying a certificate of appealability. The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2255 Proceedings and 28 U.S.C. § 2253. Applying the provisions set forth at 28 U.S.C. § 2253(c), this Court concludes that it is appropriate to issue a certificate of appealability as to all issues raised in the pending proceeding. Specifically, the Court concludes a certificate of appealability should issue as to whether the Court had jurisdiction to consider Petitioner's October 13, 2009 Motion under either Rule 59(e) or Rule 60(b); and, if so, whether Petitioner's Petition should be deemed to be timely filed in light of recent Supreme Court and Fourth Circuit Court of Appeals decisions, such that relief might be warranted.

IT IS SO ORDERED.

September 10, 2010
Florence, South Carolina

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT COURT JUDGE